

SUBJECT: House redistricting plan for 1994 and subsequent elections

COMMITTEE: Redistricting: committee substitute recommended

VOTE: 8 ayes — Earley, Finnell, Martinez, McCollough, Rodriguez, Russell, Seidlits, Wilson

4 nays — Craddick, Grusendorf, Marchant, Moreno

3 absent — Uher, Blair, Grusendorf

BACKGROUND: On December 24 a panel of three federal judges — convened in Austin to hear legal challenges filed by Republican plaintiffs to the legislative and congressional redistricting plans — ordered interim, court-drawn House and Senate redistricting plans into effect for the 1992 election. The Austin panel also extended from January 2 to January 10 the filing deadline for candidates for all offices and suspended the district residency requirement for House and Senate candidates.

On November 12 the Justice Department had filed objections under the federal Voting Rights Act to HB 150, the House redistricting plan adopted by the Legislature during the 1991 regular session, thereby invalidating it. The Justice Department cited potential problems with Hispanic representation in Bexar, Dallas and El Paso counties and in South Texas. *Mena v. Richards*, a lawsuit challenging the HB 150 House plan, had been filed earlier in state court in Hidalgo County by Hispanic plaintiffs. Eighty of 150 House members endorsed an alternative proposal seeking to meet the Justice Department's objections, and the *Mena* plaintiffs found the plan acceptable. Atty. Gen. Dan Morales settled the lawsuit on behalf of the state, and the *Mena* plan was ordered in effect by state District Judge Mario Ramirez Jr.

On December 17 the Texas Supreme Court by 5-4 invalidated a Senate lawsuit-settlement plan that also had been ordered into effect by Judge Ramirez. Although the procedures followed by Judge Ramirez in ordering the House and Senate plans were different, the Supreme Court decision invalidating the Senate plan raised questions about the status of the House *Mena* plan. On December 19 Gov. Ann Richards called a special session

to allow the Legislature formally to adopt alternative House and Senate plans. The state has submitted the *Mena* plan for preclearance, but the Justice Department indicated that in light of the Supreme Court decision and the upcoming special session it would postpone any preclearance decision on the *Mena* plan.

On December 24 the Austin federal-court panel ordered into effect for the 1992 election its own interim House plan. The panel's plan (also known as the "Nowlin plan" because the federal lawsuit originally had been filed in U.S. District Judge James Nowlin's court) is similar in most areas to the *Mena* plan but contains some significant differences. The Nowlin court plan has different district boundaries for Districts 30, 31, 32 and 35 in the southern Gulf Coast region, Districts 36 (part), 37 and 38 in Cameron County, Districts 43 and 44 in South Texas and Districts 75, 76, 77, 78 and 79 in El Paso. Atty. Gen. Morales has asked the Austin panel to stay its order implementing interim redistricting plans for 1992 until the Legislature has had the opportunity to adopt any alternative plans.

(For additional background on redistricting, see House Research Organization *Daily Floor Report*, January 2, 1992.)

ANALYSIS:

CSHB 1 would redraw the boundaries for the 150 Texas House districts for the 1994 and subsequent elections. It would establish the same boundaries as those in the *Mena* settlement plan, with two exceptions: It would place all of the remainder of Webb County that is not in District 42 in District 43, rather than split it between Districts 35 and 43, and it would place Jim Hogg County in District 35 rather than District 44.

CSHB 1 would not affect the House interim redistricting plan ordered by the Austin federal court panel, thereby leaving in effect the court-ordered plan for the 1992 election.

Pairs. According to the Legislative Council, under both the 1992 federal-court plan and CSHB 1 the following incumbent House members would be paired, with their current residences placed in the same district:

Proposed District 4 —

Keith Oakley, D-Terrell (Existing Dist. 4) with
Bill Thomas, R-Greenville (Dist. 3)

Proposed District 22 —

Al Price, D-Beaumont (Dist. 22) with
Frank Collazo, D-Port Arthur (Dist. 23)

Proposed District 25 —

John Willy, R-Angleton (Dist. 28) with
Jack Harris, R-Pearland (Dist. 27)

Proposed District 30 —

Tim Von Dohlen, D-Goliad (Dist. 31) with
Steve Holzheuser, R-Victoria (Dist. 32)

Proposed District 44 —

Tom Cate, D-Lytle (Dist. 45) with
Ernestine Glossbrenner, D-Alice (Dist. 44)

Proposed District 70 —

David Counts, D-Knox City (Dist. 78) with
Troy Fraser, R-Big Spring (Dist. 69)

Proposed District 87 —

Rick Crawford, R-Amarillo (Dist. 87) with
David Swinford, R-Dumas (Dist. 88)

Proposed District 101 —

A. R. Ovard, R-Dallas (Dist. 113)
Bill Blackwood, R-Mesquite (Dist. 105)

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Proposed District 108

Will Harnett, R- Dallas (Dist. 102)
John Carona, R-Dallas (District 109)

Proposed District 111

Jerald Larry, D-Dallas (Dist. 111)
Glenn Repp, R-Duncanville (Dist. 104)

Proposed District 129

Randy Pennington, R-Houston (Dist. 130)
Mike Jackson, R-La Porte (Dist. 129)

Proposed District 146 —

Al Edwards, D-Houston (Dist. 146) with
Ralph Wallace, D-Houston (Dist. 145)

Number of minority districts. The following chart shows the number of districts in various House redistricting plans, containing 50 percent or more minority voting age population (VAP).

	Existing	HB 150	Mena	Court	CS HB 1
Hispanic VAP					
65 +	15	17	13	13	13
55 — 64.9	6	7	15	13	15
50 — 54.9	1	2	1	2	1
Black VAP					
65 +	2	0	0	0	0
55 — 64.9	5	1	2	2	2
50 — 54.9	0	9	8	8	8

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NOTES:

The original version of HB 1 would have adopted the 1992 federal court-ordered House redistricting plan for 1994 and subsequent elections. The committee substitute would adopt the *Mena* plan, with changes, for 1994 and beyond. CSHB 1 would change the boundaries of Districts 30, 31, 32, 43 and 44 in South Texas, Districts 36 (part), 37 and 38 in Cameron County, and Districts 75, 76, 77, 78 and 79 in El Paso county from the 1992 court plan.

The following chart shows how the districts in the 1992 federal-court plan and the CSHB 1 plan for 1994 and beyond differ in terms of Hispanic voting age population (VAP). The *Mena* plan and CSHB 1 differ only in District 35 (79.4 Hispanic VAP in *Mena*, 79.8 in CSHB 1) District 43 (65.4 in *Mena*, 65.7 in CSHB 1) and District 44 (59.1 in *Mena*, 57.7 in CSHB 1).

HISPANIC VOTING AGE PERCENTAGE (VAP)

District	Court	CSHB 1
30	25.1	25.2
31	41.8	44.1
32	23.5	21.4
35	80.9	79.8
36	74.5	75.0
37	88.5	86.6
38	73.3	73.9
43	66.9	65.7
44	55.0	57.7
75	83.5	81.9
76	76.7	79.5
77	80.6	78.6
78	50.6	29.3
79	52.7	61.3

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HR 3 by Uher and Jones, which would endorse the House plan ordered by the Austin three-judge federal panel in *Terrazas v. Slagle* the interim House plan for the 1992 primary election, is pending in the House Redistricting Committee.